

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 3:00 P.M. on February 18, 1997.

PRESENT

Swen Larson, Mayor
Pat Gilbreath, Mayor Pro Tem
William E. Cunningham, Councilmember
Geni A. S. Banda, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
Marjie Pettus, Administrative Services Director
Jeffrey L. Shaw, Community Development Director
Steven M. Chapman, Finance Director
Mel Enslow, Fire Chief
Don McCue, A. K. Smiley Public Library Archivist
Gary G. Phelps, Municipal Utilities Director
James R. Bueermann, Acting Police Chief
Ronald C. Mutter, Public Works Director
Peter A Laaninen, Assistant Public Works Director

John Andrews, Redlands Daily Facts
Alisa Slaughter, San Bernardino County Sun
Valeria Godines, Press Enterprise

ABSENT

Gilberto Gil, Councilmember

The meeting was opened with an invocation by Mayor Larson honoring recently deceased Gene Malone, and followed by the pledge of allegiance.

PRESENTATION

Inland Empire Economic Partnership - Brian Collins informed Councilmembers the Inland Empire Economic Partnership has been busy sending positive information to business decision makers across the United States extolling the good news about the Inland Empire. He asked the City Council for their continued participation and asked if they perhaps would consider increasing their support from eleven cents to 33 cents per capita.

CONSENT CALENDAR

Minutes - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, the minutes of the regular meeting of February 4, 1997, and the adjourned regular meeting of February 13, 1997, were approved as submitted by AYE votes of all present.

Bills and Salaries - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, bills and salaries were ordered paid by AYE votes of all present.

Planning Commission Actions - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on February 11, 1997, was acknowledged as received by AYE votes of all present.

Resolution No. 5353 - Candidates' Statements - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Resolution No. 5353, a resolution of the City Council of the City of Redlands adopting regulations for candidates for elective office pertaining to materials submitted to the electorate and the costs thereof for the General Municipal Election to be held in Redlands on Tuesday, November 4, 1997.

Funds - Agreement - Water Resources Management Plan - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, the City Council approved and authorized execution of the engineering services agreements with CH2M-Hill for continuation of the Water Resources Management Plan to include Task Order No. 13 and approved an additional appropriation in an amount not to exceed \$36,000.00 from current revenues to fund the project by AYE votes of all present.

Resolution No. 5352 - Hazard Mitigation Grant - Firestorms - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, the City Council adopted by AYE votes of all present Resolution No. 5352, a resolution of the City Council of the City of Redlands approving the application for grant funds under the Hazard Mitigation Grant Program funding related to the 1993 firestorms (FEMA 1005-DR) to establish a City-wide fire pre-incident planning program with particular attention to high fire hazard severity zones within Redlands.

Funds - Community Field - On motion of Councilmember Cunningham, seconded by Councilmember Gil, the City Council approved an additional appropriation, by AYE votes of all present, of \$34,000.00 from the

Miscellaneous Capital Improvement Fund (36 Fund) for the cost to repair and replace the field light poles at Community Park.

COMMUNICATIONS

San Timoteo Canyon Property Proposal - The request by Betty Voss to address the City Council regarding a proposal for property in San Timoteo Canyon was rescheduled for the March 4, 1997, City Council meeting at the request of Ms. Voss.

Utility Users' Tax Report - Finance Director Chapman presented the Utility Users' Tax report for the second quarter of fiscal year 1996-97 for the City Council's review. The recapitulation segment of the report highlighted the \$1.9 million of Utility Users' Tax receipts currently in reserve as impounds pending the final outcome of the *Guardino Decision* and all related legal actions. The \$2 million difference between the revenues and the authorized expenditures and reserves, represents the Utility Users' Tax in support of on-going authorized expenditures, maintenance of adequate General Fund cash flow and unreserved fund balance. The General Fund began fiscal year 1996-97 with an unreserved fund balance of \$2.3 million and with the continuation of the Utility Users' Tax, should finish the year with an estimated \$1.8 million unreserved fund balance. Without the tax after March, 1997, the estimated unreserved fund balance for June 30, 1997, is \$800,000.00 with deficits of \$2.1, \$2.6 and \$2.5 million for fiscal years 1997-98, 1998-99, and 1999-2000, respectively.

Appointments - Student Commissioners - This matter was continued to the 7:00 P.M. session in order for the students to receive their commissioner pins. Unfortunately, the students were not present at that time. On motion of Mayor Larson, seconded by Councilmember Gilbreath, student commissioners, as recommended by Jan Meyers, Student Advisor at Redlands High School, were appointed as follows:

Angel Hossain	Human Relations Commission
Tiffany Wang	Parks Commission
Sabrina Grewal	Recreation Commission
Lucy Zahn	Traffic and Parking Commission

Appointment - Library Board - Mayor Larson moved to nominate William D. Hatfield to the Library Board to serve a three-year term to January 1, 2000. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Sunkissed Square Dance Club - The Sunkissed Square Dance Club requested a fee variance for the use of City facilities; no one was present at this meeting to address their request. Administrative Services Director Pettus explained that on

December 3, 1996, the City Council approved a lease agreement with the Sunkissed Square Dance Club for the use of the multi-purpose room and kitchen in the Community Center every Tuesday night and the Joslyn multi-purpose room and kitchen two Saturdays per month. The rental rate is cited as \$35.00 per use; the \$15.00 per hour attendance fee is assessed at Joslyn when the facility is closed. With the benefit of the annual lease agreement, Sunkissed Square Dance Club is saving \$5,490.00 per year. Ms. Pettus noted it is critical to Recreation Division operations to charge the attendant fee. The difference between their proposed rates and the approved agreement is only \$140.00 for the year. Based on this information, the City Council took no action on this request.

Charter City Proposal - This communication matter was continued to the 7:00 P.M. session.

Mining and Water Facilities Subcommittee - In a memorandum from the San Bernardino Valley Water Conservation District (SBVWCD) dated January 30, 1997, a Mining and Water Facilities Subcommittee, chaired by Burnie Cavender of the SBVWCD, met and participants discussed their interests and needs for mining and water facilities in the Santa Ana River Wash. Councilmember Cunningham moved to direct staff to formally participate and become a party to this subcommittee so that the City is insured that the other jurisdictions do not come to closure on some issues without our being a full participant in them. Motion seconded by Councilmember Larson and carried by AYE votes of all present.

CLOSED SESSION

The City Council meeting recessed at 3:27 P.M. to a Redevelopment Agency meeting and reconvened at 3:28 P.M. to a closed session to discuss the following:

- (a) Conference with real property negotiator
 - Property: Redlands Water Stock
 - Negotiating parties: Michael L. Huffstutler and Jack Dangermond
 - Under negotiation: Terms and price
- (b) Conference with real property negotiator
 - Property: Assessor's Parcel No. 174-511-15
 - Negotiating parties: Jeffrey L. Shaw and Vellore Muraligopal
 - Under negotiation: Terms and price
- (c) Conference with legal counsel - Existing litigation - Government Code §54956.9(a)
 - City of Redlands v. County of San Bernardino - Case No. SCV 28757
- (d) Conference with real property negotiator

- Property: Assessor's Parcel Nos. 175-241-06, 175-251-05, and 294-091-06
- Negotiating parties: Ronald C. Mutter and Frank Bianchini
- Under negotiation: Terms and price
- (e) Conference with real property negotiator
- Property: Assessor's Parcel Nos. 293-161-35 and 294-041-01
- Negotiating parties: Ronald C. Mutter and Betty Voss
- Under negotiation: Terms and price
- (This item was rescheduled for the March 4, 1997, City Council meeting at the request of Ms. Voss.)

The City Council meeting reconvened at 7:00 P.M.

PRESENTATIONS

Healthy Cities - On behalf of Healthy Cities, Gregory Shaffer informed Councilmembers the City of Redlands was receiving a \$5,000.00 grant from Healthy Cities. This is the maximum amount available and Mr. Shaffer commended the City staff and Councilmembers. He explained that Healthy Cities began in 1988 and 29 cities are now involved in the program.

Commendations - Mayor Larson presented retiring Historic and Scenic Preservation Commissioners Karen Brandstater and Paul W. Foster City seal plaques recognizing their service to the City. Both Commissioners have served eight years on the Historic and Scenic Preservation Commission. During their tenure, the following events occurred: approval of the East Fern Avenue Historic District, Garden Hill Historic District, LaVerne Street Historic District, and Smiley Park Historic District as well as approval of 95 Certificates of Appropriateness and 42 designations of Historic Resources.

COMMUNICATIONS (continued from afternoon session)

Charter City Proposal - At the direction of Mayor Larson, City Attorney McHugh briefly explained the difference between a charter city and a general law city and the process to change to a charter city. Councilmember Cunningham moved to authorize staff, especially the City Attorney, to explore whether it makes sense to proceed with the idea of a charter city status and bring a recommendation back to the City Council on March 18, 1997, as to whether we should further the examination or not. Motion seconded by Councilmember Banda. At first, Mayor Larson felt it was premature to take this action noting he did not want to commit any money to this matter at this time. With the understanding this would not become a full-time commitment with staff he indicated he would support the motion. The motion carried by AYE votes of all present. Under the Public Comments portion of the meeting, John

Freedman informed the City Council his consulting firm had recently prepared a pro and con report on this subject, and that he would provide a copy of said report to the City free of charge.

PUBLIC HEARINGS

Ordinance No. 2333 - Zoning Regulations - Public hearing was advertised for this time and place to consider Ordinance No. 2333, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code relating to miscellaneous zoning regulations and adopting Zoning Ordinance Text Amendment No. 250. Councilmember Cunningham announced he had a potential conflict of interest on this amendment and left the Council Chambers. Community Development Director Shaw presented an analysis of each change or group of changes included in this amendment which corrects errors and clarifies zoning issues. Based on current State law, Section 42 (page 6) was changed as follows: "18.192.020B(15). Family care home, foster home, or group homes serving ~~seven~~ nine or more persons shall be permitted only in the multiple-family residential subject to approval of a conditional use permit." Mayor Larson declared the meeting open as a public hearing for any questions or comments concerning this amendment. None being forthcoming, the public hearing was declared closed. Councilmember Gilbreath moved to approve the Environmental Review Committee's Negative Declaration for Ordinance No. 2333 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Banda and carried by the following vote:

AYES: Councilmembers Gilbreath, Banda; Mayor Larson
NOES: None
ABSENT: Councilmember Gil
ABSTAIN: Councilmember Cunningham

Ordinance No. 2333 was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Banda, further reading of the ordinance text was waived, and Ordinance No. 2333 was introduced with Council approval and laid over under the rules with second reading scheduled for March 4, 1997, by the following vote:

AYES: Councilmembers Gilbreath, Banda; Mayor Larson
NOES: None
ABSENT: Councilmember Gil
ABSTAIN: Councilmember Cunningham

Ordinance No. 2342 - Noise Standards - M-F District - Public hearing was advertised for this time and place to consider Ordinance No. 2342, an ordinance of the City of Redlands amending Section 18.68.180 of the Redlands Municipal Code relating to noise producing equipment in the Medical Facility District and adopting Zoning Ordinance Text Amendment No. 252. Councilmember Cunningham announced he had a potential conflict of interest on this amendment and left the Council Chambers. Community Development Director Shaw explained the Redlands Municipal Code currently provides that all noise producing equipment, such as compressors, heating and air-conditioning units, etc. shall be insulated or enclosed so as to be "inaudible" at the property line. In practice, this standard cannot be met; therefore, the City Council directed that an amendment be prepared to provide more flexibility while staying within the overall parameters of the Noise Element of the General Plan. The Redlands Community Hospital is currently processing a conditional use permit for a cogeneration facility for the Hospital. The noise from the cogeneration facility and related mechanical equipment, while producing less noise than the current operation, would still exceed the *inaudible* standard provided by the current Code. The Planning Commission has recommended approval of Ordinance Text Amendment No. 252 and postponed any decision on the conditional use permit application for the Hospital pending the outcome of this amendment. He explained in detail the proposed ordinance text amendment. Mayor Larson declared the meeting open as a public hearing for any questions or comments. Mr. John Shone told Councilmembers he had not yet had the opportunity to review this ordinance but expressed his concern about enforcement capabilities reminding the City Council of other equipment noise in the neighborhood. Tim Johnson felt this ordinance would have solved Mr. Shone's past problem and explained his understanding of the definition of 60 CNEL (Community Noise Equivalent Level). With the knowledge that a unanimous vote was required due to the absence of Councilmember Gil and abstention of Councilmember Cunningham, Councilmember Banda moved to continue this public hearing to March 4, 1997, to allow her additional time to study the matter. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Resolution No. 5344 - Municipal Airport Land Use Compatibility Plan - Public hearing was advertised for this time and place to consider Resolution No. 5344, a resolution of the City Council of the City of Redlands adopting the Redlands Municipal Airport Land Use Compatibility Plan. Community Development Director Shaw explained the Redlands Municipal Airport Land Use Compatibility Plan is a planning document that will assist the City of Redlands in complying with the guidelines of Assembly Bill No. 2831 which was adopted by the State legislature in January, 1995. Adoption of the document, which is the "alternative process" under the guidelines of AB 2831, will give the City full control in decision making relative to what land uses and development occurs near and around the Redlands Municipal Airport rather than an Airport

Land Use Commission formed by the San Bernardino County. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Cunningham moved to approve the Environmental Review Committee's Negative Declaration for the Redlands Municipal Airport Land Use Compatibility Plan based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present. Councilmember Cunningham moved to adopt Resolution No. 5344. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

NEW BUSINESS

City Vehicle Storage Yard - Police Captain Bueermann recommended the Police Department be authorized to begin the process of establishing a City-maintained vehicle storage yard. California Vehicle Code Section 14602.6, which became effective January 1, 1995, provides for impoundment of vehicles driven on public roadways for 30 days if the driver is operating the vehicle with a revoked or suspended license or has never been issued a license. Last year, 224 vehicles falling under this statute were impounded, and it is expected that at least 250 vehicles will be impounded in 1997. Cars impounded and stored for the 30 days period can generate more than \$600.00 each in storage and processing fees. Police Department staff have examined the feasibility of developing a City-owned and operated vehicle storage yard on the City-owned four-plus acres located on Park Avenue, directly south of the City's Corporate Yard. It is projected that the City has the potential ability to generate net revenue to the General Fund of approximately \$29,000.00 during the first year and more than \$79,000.00 each year thereafter. Councilmember Banda moved to authorize the Police Department to begin the process of establishing a City-maintained vehicle storage yard. Motion seconded by Councilmember Larson and carried by AYE votes of all present.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:05 P.M. The next regular meeting will be held on March 4, 1997.

City Clerk